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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

VICKI WEST and **WENDY FAGUNDES**,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CIRCLE K STORES, INC., a foreign
corporation

Defendant.

Case No. CIV.S-04-0438 WBS (GGH)

**STIPULATION AND [PROPOSED]
ORDER REGARDING AWARD OF
ATTORNEYS' FEES**

Judge: Hon. William B. Shubb
Courtroom No. 5

Date: October 16, 2006
Time: 1:30 p.m.

Plaintiffs, by and through their counsel of record, Charles A. Jones and Defendant, by and through its counsel of record, Matthew Walsh, submit the following stipulation and [proposed] Order regarding the award of attorneys' fees to class counsel.

Whereas: On October 20, 2006 the Court granted final approval to the class action settlement in this case;

Whereas: This case settled for the aggregate sum of Five Million Dollars (\$5,000,000);

Whereas: In its October 20, 2006 Order the Court granted class counsels' application for an attorney fee award of 25% of the \$5,000,000, settlement fund established for the classes.

Specifically, on page 21, lines 9-13, the Court Ordered as follows: "In view of the diligent

efforts of counsel in a complex area of law and the favorable outcome obtained for class members, the court finds an award of twenty-five percent (25%) of the \$5,000,000 common fund, to be an appropriate amount for attorneys' fees."

Whereas: Twenty-five percent (25%) of \$5,000,000 is \$1,250,000.

Whereas: The Court's October 20, 2006 Order contained a typographical error regarding the amount of attorneys' fees to be awarded to class counsel. Specifically, page 23, lines 23-24 of this Court's Order reads as follows: "plaintiffs' application for attorneys' fees in the amount of \$1,225,000 ... are, Granted."

Whereas: Class counsel sought \$1,250,000 in attorneys' fees for this case. This sum represents twenty-five percent (25%) of the \$5,000,000 common fund established for the classes.

Whereas: Class counsel hereby requests the Court to clarify that the amount of attorneys' fees awarded to class counsel should be \$1,250,000.

Whereas: Defendant does not oppose this request.

Dated: November 7, 2006

MCINERNEY & JONES

By: /s/
Charles A. Jones
Attorneys for Plaintiffs

Dated: November 7, 2006

DEWEY BALLANTINE LLP

By: /s/
Matthew Walsh
Attorney for Defendant

ORDER

Based on the foregoing stipulation of the parties, and a review of the this Court's October 10, 2006 Order Re: Motion for Final Approval Of Class Action Settlement, Award of Attorneys' Fees and Costs, and Additional Compensation to Named Plaintiffs, the Court has determined that the Order contained a typographical error on page 23, lines 23-24, regarding the amount of attorneys' fees awarded to class counsel. Based on the foregoing, it is hereby ORDERED that class counsel be awarded \$1,250,000 in attorneys' fees. This sum represents twenty-five percent (25%) of the \$5,000,000 common fund established for the classes. All other aspects of the Court's October 10, 2006 Order shall remain unchanged.

Dated: November 17, 2006


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE